

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,613

IN THE MATTER OF:

Served October 6, 2008

EPPS TRANSPORTATION COMPANY, INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 51)

Case No. MP-2008-124

This matter is before the Commission on respondent's response to Order No. 11,480, served July 21, 2008, which directed respondent to verify cessation of operations as of April 27, 2008, and corroborate with copies of respondent's business records.

I BACKGROUND

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 51 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 51 was rendered invalid on April 27, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,312, served April 28, 2008, noted the automatic suspension of Certificate No. 51 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 51, and gave respondent thirty days to replace the terminated endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 51. Respondent also was directed to file a new tariff because respondent's preexisting tariff was no longer effective.

Respondent paid the late fee and filed a new tariff on July 7. Respondent also submitted a new \$1.5 million primary WMATC Insurance Endorsement on July 16, but the effective date of the new endorsement is July 10, 2008, instead of April 27, 2008. This means that respondent was without insurance coverage for seventy-four days, from April 27, 2008, through July 9, 2008.

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

Under Regulation No. 58-14:

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

Order No. 11,480 accordingly directed respondent to verify cessation of operations as of April 27, 2008. Inasmuch as respondent's only tariff covers service rendered to the general public, respondent's verification was to be corroborated with copies of respondent's general business records.

II. RESPONSE

Respondent has filed a statement verifying cessation of operations as of October 19, 2007. Respondent also has produced bank statements for the period beginning October 1, 2007, and ending June 30, 2008. The check and debit activity reflected in the statements is consistent with respondent's verification. The deposit activity is not. Respondent deposited over \$2,000 in May and June combined.

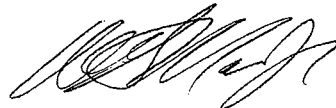
III. ORDER TO LIFT SUSPENSION AND CONTINUE INVESTIGATION

Inasmuch as respondent is currently in compliance with Regulation No. 58, we will lift the suspension.³ But given the state of this record, respondent will be directed to produce copies of all items deposited to its bank account since March 1, 2008.

THEREFORE, IT IS ORDERED:

1. That the suspension of Certificate No. 51 is hereby lifted.
2. That within thirty days from the date of this order, respondent shall produce copies of all items deposited to respondent's bank account during the period beginning March 1, 2008, and ending on the date of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Ibrahim A. Fahadi*, No. MP-07-117, Order No. 10,850 (Oct. 19, 2007) (same).